



CITY OF BURBANK  
COMMUNITY DEVELOPMENT DEPARTMENT

150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459  
www.ci.burbank.ca.us

October 1, 2020

CARLOS FLORES  
1621 THURBER PL  
BURBANK, CA 91501

**RE: PROJECT NO. 19-0000176 (HILLSIDE DEVELOPMENT PERMIT) – APPROVED**  
1621 Thurber Pl

Dear Mr. Flores:

This letter is to notify you that the Community Development Director has conditionally approved your application for a Hillside Development Permit (Project No. 19-00001761) for the construction of a new pool located at 1621 Thurber Pl. in the Single-Family Residential (R-1) zoning district within the designated Hillside area. Enclosed is the Hillside Development Permit approval with conditions.

Please be advised the decision of the Community Development Director will become final fifteen (15) days from the date of this letter, unless the decision is appealed to the Planning Board within this 15 day period. Any appeal of the Director's decision must be submitted to the Planning Division with the applicable filing fee prior to the expiration of the fifteen (15) day appeal period, which concludes at 5:00 p.m. on October 16, 2020. Please note, any appeal submitted between the hours of 12 to 5 p.m. must schedule an appointment with the Project Planner.

If you have any questions concerning this letter, please contact me, Daniel Villa, by phone at (818) 238-5250 or by email at [dvilla@burbankca.gov](mailto:dvilla@burbankca.gov)

Sincerely,

DANIEL VILLA  
Senior Planner

ADMINISTRATION

818.238.5176

BUILDING

818.238.5220

HOUSING, ECONOMIC DEVELOPMENT  
& SUCCESSOR AGENCY

818.238.5180

PLANNING

818.238.5250

SECTION 8 & CDBG

818.238.5160

TRANSPORTATION

818.238.5270

## **Community Development Department Director's Decision**

**DATE:** October 1, 2020

**PROJECT TITLE:** Project No. 19-0000176 – Hillside Development Permit

**PROJECT ADDRESS:** 1621 Thurber Pl

**APPLICANT:** Carlos Flores

**PROJECT DESCRIPTION:** The construction of a new pool and spa in the rear of the property. The existing upslope and downslope topography of the property will not be affected by the installation of the pool as the pool is proposed on top of an existing flat rear yard area.

**ZONING:** R-1      **GENERAL PLAN:** Single Family Low Density

**MUNICIPAL CODE CONFORMANCE:** The project conforms to all zoning code requirements. The property is located in the hillside area of the R-1 (Single-Family Residential) zoning district. The applicant proposes to construct a new pool and spa at the rear of the property. Pools and spas are permitted accessory structures in the R-1 district under section 10-1-603 of the Municipal Code.

**ENVIRONMENTAL REVIEW:** This project is categorically exempt under California Environmental Quality Act (CEQA) per Section 15303(e) of the Guidelines, New Construction or Conversion of Small Structures, which pertain to small accessory structures such as patios and swimming pools.

**DATE PUBLIC NOTICE MAILED:** August 5, 2020

**DIRECTOR'S DECISION:** Conditional approval, based upon the findings stated below

**DATE OF DIRECTOR'S DECISION:** October 1, 2020

**END OF APPEAL PERIOD:** October 16, 2020

Daniel Villa, Senior Planner  
(818) 238-5250

  
Patrick Prescott, Community Development Director

**HILLSIDE DEVELOPMENT PERMIT NO. 19-0000176**  
**(1621 Thurber Pl – Carlos Flores, Property Owner)**

**REQUIREMENTS FOR GRANTING A HILLSIDE DEVELOPMENT PERMIT**

The Community Development Director finds the proposed project satisfies the requisite findings contained in Burbank Municipal Code Section 10-1-607 necessary for approval of the Hillside Development Permit, subject to the attached conditions of approval.

1. *The vehicle and pedestrian access to the house and other structures do not detrimentally impact traffic circulation and safety or pedestrian circulation and safety and are compatible with existing traffic circulation patterns in the surrounding neighborhood. This includes, but is not limited to: driveways and private roadways, access to public streets, safety features such as guardrails and other barriers, garages and other parking areas, and sidewalks and pedestrian paths.*

The proposed pool will be constructed in the rear of the property behind the existing home, where there is no vehicle access. Existing pedestrian access will not be obstructed, since the proposed work is located at the rear of the home. Access around the pool to the remainder of the backyard will be provided. No new guardrails or barriers are proposed around the pool; existing perimeter fencing and access to the rear yard will remain. No modifications to vehicle access to the site is proposed.

2. *The house and other structures are reasonably consistent in scale and proportion to existing houses in the neighborhood.*

The proposed pool will not involve any alterations to the existing home. The proposed work will be done in the rear yard and will not be attached to the house. The proposed pool will be in-ground at the rear of the property, located behind the home and outside of street view, thus it will not alter the existing scale or proportion of the house within the neighborhood.

3. *The house and other structures are designed to reasonably incorporate or avoid altering natural topographic features.*

The proposed pool will be incorporated into the existing flat grade of the yard – it will be placed on an existing flat portion of the rear yard that is slightly raised approximately 30 inches from the lowest portion of the rear yard. No additional grading into the hillside is necessary to construct these structures. The grading that will occur will be at the flat portion of the lot to install the pool and spa and, when finished, the pool and spa will be in-ground resulting in no view impacts to the neighboring properties. Since the pool and spa will be constructed within the existing flat rear yard area, there will be no alteration to the natural topographic features of the property.

4. *The house and other structures will not unnecessarily or unreasonably encroach upon the scenic views from the neighboring properties, including both downslope and upslope views.*

The proposed pool will be constructed in-ground, therefore it will not have any impacts to the surrounding upslope or downslope views. Additionally, the adjacent neighbors to the sides of the property are at significantly higher/lower grades than the subject house, such that the new pool will not impact their downslope views. Additionally, the neighboring property to the rear of the subject property is well-screened from visibility of the property's rear yard due to existing hedges and walls, which would not be removed as part of this project.

5. *The house has been reviewed against the Neighborhood Compatibility provisions as set forth in Section 10-1-609 and the house complies with the Single Family Design Guidelines.*

There will be no alterations made to the home nor does the project include any new roofed structures, therefore the Neighborhood Compatibility design provisions do not apply to the project scope of work.

6. *For the purpose of evaluating required finding (5) above, a view study must be submitted with all Hillside Development Permit applications documenting the impacts of the proposed structure(s) on views from adjacent properties. The view study must be prepared in a manner approved by the Director or his/her designee and contain all information and documentation deemed necessary by the Director for the purpose of analyzing view impacts and establishing setback lines for view determination to Section 10-1-606(E). This study is separate from the Ridgeline setback analysis required by Section 10-1-606(D).*

City Staff conducted a site visit and inspected the area where the proposed pool would be located and found none of the neighboring views would be affected by the proposed project, since the pool will be located in-ground within the rear yard, existing walls and hedges screen visibility from neighbors, and existing grade differences result in no view impacts with the new accessory use. No story poles were required since there are no new roofed structures proposed. Staff concluded there is no possibility that the project will obstruct any of the neighboring properties views.

7. *The view impacts of the proposed project must be considered by the Director, or Planning Board or City Council if appealed, and may be used as a basis for requiring modifications to a project or denying a Hillside Development Permit due to inability to make the required finding.*

The proposed project has been determined to have no impacts to the neighboring properties with respect to design impacts and views. Conditions 1 through 43 are incorporated into the project to ensure the protection of public health, safety, and welfare.

**MINOR FENCE EXCEPTION PERMIT NO. 18-0004221**  
**(701 Country Club Drive— George Assali, Applicant)**

The Community Development Director finds that the proposed project satisfies the requisite findings contained in the Burbank Municipal Code Section 10-1-19201(D) necessary for approval of the Minor Fence Exception Permit for property located in the Hillside area, subject to the attached conditions of approval.

1. *The feature does not obstruct the visibility of motorists at a street or alley intersection or exiting a driveway or otherwise affect a motorist's ability to safely operate their vehicle.*

The proposed 30-inch retaining wall and associated perimeter fence (maximum height of 42-inches) will be located along the interior side yard property line and will not encroach onto the sidewalk or street, avoiding any obstruction of visibility to motorists. The proposed fence is outside of the front yard setback and any intersection between public rights-of-way and/or a driveway, therefore beyond the corner cutoff area, which is used to maintain safe visibility at street intersections.

2. *The feature is not constructed of any materials that may pose a danger to motorists, pedestrians, or other persons.*

The proposed retaining wall will be constructed of cmu and the associated perimeter fence will be constructed of wood, which is a common material for fencing in residential neighborhoods and will not pose a danger to motorists, pedestrians or other persons.

3. *The feature is structurally sound and is adequately maintained.*

A project condition has been placed to require that the wall/fence is adequately maintained and free of any excess materials or vegetation. While a building permit may not required to install the proposed wall/wood fence, the application materials will have to be constructed in compliance with the California Building Code requirements, thereby meeting structural safety requirements.

4. *The feature does not affect the ability of emergency personnel to respond to an emergency on the property or to adequately view the property and structures upon it from the public right-of-way.*

The proposed fence will not be constructed in a way that would adversely affect the visibility into the property by emergency personnel in the case of an emergency. The wall/fence will be located outside of the front yard setback and will not block access into the property with the front yard remaining open.

5. *The feature is compatible in size, scale, proportion, and location with other yard features in the neighborhood, or is otherwise consistent with the prevailing neighborhood character.*

The wall/fence is typical of what is seen in rear yards – areas that are not visible from the public right of way. The proposed cmu wall (30-inches) and wood fence (42-inches) are not atypical, therefore compatible in size, scale, proportion, and location with other yard features in the neighborhood and is consistent with the prevailing neighborhood character.

6. *The scale and proportion of the feature are consistent and compatible with structures on the same property and in the general area.*

There are other structures similar to the fence, such as guardrails for the deck on the same property and in the general area. The wall is limited to a maximum height of 30-inches and the fence is limited to a maximum height of 42-inches – a total of 6-feet, which is consistent with the overall height allowed per the zoning of the neighborhood, R-1, Single Family Residential, Hillside area. The height is appropriate in scale to the existing house. The fence is also consistent in scale and proportion with other similar fences that exist within the neighborhood.

7. *The feature does not encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.*

The proposed wall/fence is typical of what you would expect to see in a rear yard setback area. Additionally, the wall and fence are setback from the side and rear property lines – therefore minimizing impacts on neighboring properties. The proposed fence will not encroach into any neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.

8. *The feature does not impose detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, scenic views, or aesthetics.*

The proposed wall/fence is typical of what you would expect to see in a rear yard setback area. Additionally, the wall and fence are setback from the side and rear property lines – therefore minimizing impacts on neighboring properties. The height and location is reasonable for the subject property and neighboring properties to enjoy the sunlight and air circulation to the fullest extent while maintaining privacy. No impacts on neighboring properties related to scenic views, privacy or aesthetics will be created by the installation of the wall/fence.

9. *The feature is reasonable and appropriate to mitigate demonstrated impacts related to noise, light or glare, dust, or privacy resulting from special circumstances or conditions that apply to the individual property and/or the surrounding neighborhood that could not be adequately mitigated with a feature permitted by the applicable zoning regulations or through the Minor Fence Exception Permit process. Such special circumstances or conditions are related to one (1) or more of the following: (a.) location of the property on or in proximity to a major or secondary arterial street; (b.) location of the property in proximity to a non-residential use or property or a multiple family residential use or property in the case of single family property; (c.) the shape, size, configuration, or*

*topography of the property; (d.) the location or configuration of structures upon the property.*

The proposed wall/fence is typical of what you would expect to see in a rear yard setback area. Additionally, the wall and fence are setback from the side and rear property lines – therefore minimizing impacts on neighboring properties. The proposed wall and fence are necessary in order to place the pool, with the associated walk-up steps, on a portion of the property that is slightly elevated above a majority of the rear yard area – circumstances that are common in the City’s hillside area. While the proposed wall/fence are not being installed to mitigate impacts specifically related to those identified in the findings, the wall/fence are reasonable features that are typical of what other properties routinely get approval of in the hillside area. .

## **CONDITIONS OF APPROVAL**

### **HILLSIDE DEVELOPMENT PERMIT NO. 19-0000176 (1621 Thurber Pl – Carlos Flores, Property Owner)**

#### **PLANNING DIVISION**

1. Project No. 19-0000176, Hillside Development Permit, approves the construction of an in-ground pool at the rear yard. The property is located at 1621 Thurber Pl. within the R-1 (Single-Family Residential) zoning district in the designated hillside area.
2. The operation/construction on the site shall remain in substantial conformance with the request and with the application materials submitted by the applicant and placed on file in the office of the Planning Division.
3. The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
4. By signing and/or using this Hillside Development Permit, the permittee acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with full awareness of the provisions of the Burbank Municipal Code. Failure of the permittee or property owners to sign these conditions does not affect their enforceability by the City of other responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.
5. This permit is granted for the approved plans dated October 1, 2020 on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions. Construction on the site shall remain in substantial conformance with the request and with the application materials submitted by the applicant and placed on file in the office of the Planning Division.
6. This permit shall expire if the use is not initiated within one year of the date of this approval October 1, 2021.
7. The demolition and reconstruction of an existing 30-inch retaining wall is approved as part of this project, with associated perimeter fencing (maximum 42-inches) that may be required in order to comply with Building Code requirements. The retaining wall will be rebuilt 23'3" setback from the side property line abutting the proposed pool. Should the Building Division require a geotechnical and soils report as part of the project, one should be provided during building plan check review.
8. The proposed pool should be setback a minimum of 7.5-feet away from the rear property line in order to be outside of the existing easement.



## **BUILDING DIVISION**

9. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the current edition of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards.

The 2016 California Building Standards Code is applicable to projects that submit a building permit application on or before December 31, 2019. The 2019 California Building Standards Code is applicable to projects that submit a building permit application on or after January 1, 2020.

10. Project lies within the City of Burbank Mountain Fire Zone.
  - a. All construction is required to meet Burbank Municipal Code 9-1-1-701A.1.1
11. The foundation shall comply with California Building Code Section 1808.7, for foundations on or adjacent to slopes. A soils report will be required.
12. Grading and drainage plans will be required, and a separate Grading & Shoring Permit will be required. Topographical contour lines are to be indicated, showing existing and proposed contours.
13. A stamped setback certification by a Licensed Surveyor will be required to certify the location of the new construction in relation to the setbacks prior to the first foundation inspection.
14. New construction projects within the City of Burbank are subject to MWELo review.  
New landscape areas for residential and non-residential projects between 500 and 2,500 square feet requiring a building or landscape permit, plan check or design review will be required to complete, either a Performance or Prescriptive Compliance Method.
15. All pool construction is required to meet the requirements of the California Building Code Section 1808A Foundations, Section 3109 Swimming Pool Enclosures and Safety Devices and that of the Department of Public Health.
16. The California Division of Mines and Geology Active Fault Near-Source Zones Map for Burbank indicates the city is within 2 km - 5 km of the Verdugo and Hollywood Faults. Structural design of construction projects must address the impact of the Near-Fault Zones.
17. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
18. The City's mandatory Construction & Demolition Debris Diversion Ordinance requires the recycling and diversion of at least 65% of construction and demolition debris. A refundable deposit and non-refundable administrative fee will be collected prior to permit issuance. The

Ordinance applies to all demolitions and to new construction, additions, remodels, renovation, tenant improvement and alteration projects over 500 square feet in scope of work.

19. Plans submitted for plan check must be stamped by State-licensed architect or engineer unless the project is one of the following listed below and complies with conventional light wood frame construction requirements in the CBC:
  - Wood-framed, single-family dwellings not more than two stories in height;
  - Wood-framed, multi-family dwellings not more than two stories in height, and limited to four dwelling units per parcel;
  - Wood-framed, garages or accessory structures for single-family dwellings not more than two stories in height;
  - Non-structural or non-seismic storefronts, interior alterations or additions.
20. A Building Permit may be issued to the Property Owner provided that the work is limited to:
  - A single-family dwelling of wood frame construction not more than two stories and a basement in height.
  - Garages or other structures appurtenant to single-family dwellings of wood frame construction not more than two stories and basement in height.
  - Nonstructural or non-seismic alterations or additions.
21. Approved hours of construction are:  
Monday – Friday 7:00 am to 7:00 pm  
Saturday 8:00 am to 5:00 pm  
No construction is permitted by contractors or subcontractors after hours, on Sunday or on City holidays without prior written request and approval from the Community Development Department.
22. Plans and reports submitted for Plan Check Review may be submitted electronically. For more information about the online submittal process, please contact Senior Plan Check Engineer Mario Osuna in Building Division at 818-238-5241.
23. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
24. All Departments that have provide Conditions of Approval are to receive a set of drawings for review and have provided final approval stamp on drawings, prior to issuance of Building Permit.
25. Five (5) sets of drawings shall be provided at the time of Plan Check Review. The following lists the necessary sheets per department:
  - b.Planning – Full set of Plans  
(1 set of Civil /Landscape/Architectural/Structural)
  - c.Building & Safety – Full set of Plans  
(1 set of Civil /Landscape/Architectural/Structural)
  - d.Public Works – Partial set of Plans

- (1 set of Civil /Landscape/Architectural/Structural)
- e. Burbank Fire Department – Partial set of Plans  
(1 set of Architectural/Structural)
- f. Parks & Recreation – Partial set of Plans  
(1 set of Civil /Landscape/Architectural)  
Requires Site Plan with existing landscape to be removed  
Requires Site Plan with new landscape  
Requires the number of new bedrooms adding

## **PUBLIC WORKS DEPARTMENT**

26. Show width and location of all existing and proposed easements [BMC 9-1-1-3203]. Plans must show 7.5' public utility easement at the rear of the property.
27. No building appurtenances for utility or fire service connections shall encroach or project into public right-of-way (i.e. streets and alleys). Locations of these appurtenances shall be shown on the building site plan and the off-site improvement plans [BMC 7-3-701.1].
28. Applicant shall protect in place all survey monuments (City, County, State, Federal, and private). Pursuant to California Business and Professions Code Section 8771, when monuments exist that may be affected by the work, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to construction, and a corner record or record of survey of the references shall be filed with the county surveyor. A permanent monument shall be reset or a witness monument or monuments set to perpetuate the location if any monument that could be affected, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project.
29. Any work within the public right-of-way must be permitted and approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer. A Public Works EXCAVATION PERMIT is required. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-site improvements. Burbank Standard Plans can be accessed at; <http://file.burbankca.gov/publicworks/OnlineCounter/main/index.htm>
30. No permanent structure is permitted in any public right-of-way or any public utility easements/pole line easements [BMC 7-3-701.1, BMC 9-1-1-3203]. Proposed pool is encroaching into the easement by 1.5'. Public Works Permit Division to verify and sign off that the 7.5' public utility easement is cleared of any existing and/or proposed permanent structures at the rear of the property prior to the start of construction.
31. On-site drainage shall not flow across the public parkway (sidewalk) or onto adjacent private property. It should be conveyed by underwalk drains to the gutter through the curb face [BMC 7-1-117, BMC 7-3-102].

32. Plans should include easements, elevations, right-of-way/property lines, dedication, location of existing/proposed utilities and any encroachments.
33. Provide verification from the City of Burbank, Building Division showing the 7.5' public utility easement is cleared of all permanent structures at the rear of the property after construction is completed.
34. Any portion of public sidewalk, curb or gutter that is broken, uneven or uplifted at the end of the project must be reconstructed to the satisfaction of the City Engineer. That reconstruction will be required whether the damage is pre-existing or is a result of the project. Contact the Public Works Inspection Office at (818) 238-3955 to have these areas inspected and identified after obtaining a Public Works Excavation Permit [BMC 7-3-501].
35. If any utility cuts or construction related impacts are made on Thurber Place adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
36. Additional impacts to street triggered by this project could extend the paving restoration limits.
37. The location, depth, and dimensions of all sanitary sewer lines and easements must be shown on the plans.
38. Chemical and hazardous material storage, if any, including containment provisions.
39. Per BMC 8-1-1004.B (3), a Pool Discharge Permit is to be issued by the Public Works Permits counter and a \$37.75 fee (fiscal year 2019-20) is required each time single family residential pool is emptied. Please refer to the enclosed pool discharge brochure. If the proposed pool/spa contains salt water, please note that salt water pool/spa discharges are currently conditionally allowed to discharge into the storm drain system, subject to meeting (and not exceeding) the following water quality objectives, in addition to other BMP requirements: TDS = 950 mg/1, Sulfate = 300 mg/1, Chloride = 190 mg/1. This conditional allowance and the limits may be changed by the Regional Water Quality Control Board in the future. The City strongly discourages the use of saltwater pools.
40. Per BMC 9-3-407, Best Management Practices shall apply to all construction projects and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy.
41. Certain construction and re-construction activities on private property will need to comply with post-construction Best Management Practices (BMPs), which include Sections 8-1-1007 and 9-3-414.D of the BMC authorizing the City to require projects to comply with the Standard Urban Stormwater Mitigation Plan provisions and the City's Low Impact Development (LID) ordinance. For questions on these requirements, please contact the City's Building Division at (818) 238-5220.

42. East wall crosses front property line, one foot short of curb face, and then goes parallel with curb for 3' or 4'. Applicant shall remove this portion of wall encroaching into parkway [BMC 7-3-701.1]

**FIRE DEPARTMENT**

43. All noted information pertaining to the proposed project shall be shown on plans submitted as part of the fire department review for approval.

While there are no significant fire code requirements for this project, the owner and the owner's architect and/or contractor are responsible for ensuring compliance with all applicable provisions of fire life/safety codes. Failure to cite a specific code requirement in this preliminary document does not relieve the applicant of such responsibility.

All items reviewed are based on information provided at time of review. The comments provided do not limit or relieve the owner and the owner's architect and/or contractor from the responsibility of ensuring compliance with all applicable provisions of fire/life safety codes. Such compliances may include but are not limited to fire department access for fire fighting, including fire department vehicle access, fire water supplies and appurtenances. Further reviews may require additional requirements or limitations as the project develops and is not limited to the requirements provided in these comments.

NOTE: All references are in accordance with the 2016 Edition of the California Fire Code (CFC) and the California Building Code (CBC) as amended by the Burbank Municipal Code (BMC).

ALL NOTED INFORMATION PERTAINING TO THE PROPOSED PROJECT SHALL BE SHOWN ON PLANS SUBMITTED AS PART OF THE FIRE DEPARTMENT REVIEW FOR APPROVAL.

For additional information or questions contact the Deputy Fire Marshal or Fire Marshal at (818) 238-3473.

X

\_\_\_\_\_  
Signature of Applicant/Permittee

X

\_\_\_\_\_  
Signature of Property Owner